

Remarks

Rejection of the claims under 35 USC §101:

Claims 19-25 have been rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter for encompassing natural viruses. Applicants have amended the claims to obviate the rejection. Literal support for the amendment can be found in the specification on page 10 lines 4-5. Implied support can be found throughout the detailed description and the examples.

Rejection of the claims under 35 USC §102:

Claims 19-25 have been rejected under 35 U.S.C. 102(b) as being anticipated by Valerio et al. (WO 97/05266). It is the Applicants' understanding that Valerio et al. is considered to be anticipating because Valerio et al. teaches delivery of nucleic acid using viral vectors. It is the Applicants' opinion that the amendments made in response to the 101 rejection obviate the 102 rejection over Valerio et al. Therefore, Applicants request reconsideration of the §102 rejection.

Objections to the Claims

Claims 24-26 have been objected to as being in improper form for a multiple dependent claim. Applicants have amended to the claims to obviate the objections.

Rejection of the claims under 35 USC §112:

Claims 19-26 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite because it is unclear what defines a membrane active compound. Applicants have amended the claims to cite the membrane active compound is "capable of disrupting membranes" to obviate the rejection. Support for the amendment can be found in the specification on page 17 lines 8-27 and page 38 lines 7-27.

Claims 19 has been amended to cite a membrane active compound covalently attached to an interaction modifier via a labile linkage. Support for the amendment can be found in the specification on page 24 lines 18-31, page 35 lines 18-25, page 39 lines 9-17, and page 53 line 26 to page 54 lines 15.

Claim 20 has been amended to cite a polymer containing a plurality of membrane active compounds. Support for the amendment can be found in the specification on page 23 line 27 to page 24 line 3, page 54 lines 17-21 and page 58 lines 13-31. Support for a polycation polymer in step b) is supported in the specification on page 7 lines 17-18, page 19 lines 31-32, page 20 lines 28-32, and page 58 lines 3-4.

Claims 24-26 have been rejected under 35 U.S.C. 112, second paragraph, for lack of proper antecedent basis. Applicants have amended to claims to obviate the rejection.

Claims 24 has been rejected under 35 U.S.C. 112, second paragraph, because the terms "very" and "extremely" are relative terms and not clearly defined in the specification. Applicants have amended the claim to obviate the rejection. Support for the amendment can be found in the specification on page 37 lines 1-14.

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 19-26 should be allowable.

Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: 09/28/2006.

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